

Appl. No.: 10/017,165  
Amendment dated August 25, 2010  
Reply to Office Action dated May 25, 2010

### **REMARKS/ARGUMENTS**

With this Amendment, Applicant amends page 1 of the specification. No new matter is added and no new issues are presented by the amendments to the specification. Rather, the amendments to the specification are being added herein to respond to the Examiner's objection to the claim of priority. Claims 1, 3-5, 7, 9-12, 14, 15, 17-19, 21, 23-26, 28, 29, 31-33, 35, 37-40 and 42-48 are all the claims currently pending in the application. Based on the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

#### **I. Objection to Claim of Priority**

On page 2 of the Office Action, the Examiner objects to Applicant's claim of priority to "Application No. 09/394,341, filed 9/13/99" and asserts that "[a] reference to the prior application must be inserted as the first sentence(s) of the specification of this application ..." Applicant herein amends the specification to include the reference and the relationship of the present application to Application No. 09/394,341 filed September 13, 1999. As such, Applicant respectfully requests the Examiner to reconsider and withdraw the objection to the claim of priority.

#### **II. Rejection of Claims 1, 3-5, 7, 9-12, 14-15, 17-19, 21, 23-26, 28-29, 31-33, 35, 37-40 & 42 Under 35 U.S.C. § 103(a)**

Claims 1, 3-5, 7, 9-12, 14-15, 17-19, 21, 23-26, 28-29, 31-33, 35, 37-40 and 42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Teagarden et al. (U.S. Patent No. 6,014,631; hereinafter "Teagarden"), Walker et al. (U.S. Patent No. 6,302,844; hereinafter "Walker") and further in view of Papageorge (U.S. Patent No. 6,584,445; hereinafter "Papageorge").

In contrast to independent claim 1, Teagarden, Walker and Papageorge, taken individually or in combination, do not teach or suggest and are altogether silent regarding a method of providing professional services, comprising *inter alia*, allowing a person to access a secure area and *view the information provided by the professional services provider advising the*

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person about *a medical matter* in *response* to receipt of the information associated with the medical matter that was *entered via a client device by the person*.

**The Combination Fails to Teach Allowing a Person to Access a Secure Area & View Information Provided by a Professional Services Provider**

In rejecting claim 1, the Examiner continues to correctly concede that Teagarden and Walker do not teach or suggest all of the features of claim 1. (See pgs. 6-7 of the Office Action) However, the Examiner continues to rely on Papageorge to make up for the deficiencies of Teagarden and Walker. (See pgs. 7-8 of the Office Action) Applicant respectfully disagrees and submits that Papageorge does not make up for the deficiencies of Teagarden and Walker.

Contrary to independent claim 1, the cited portion and indeed all of Papageorge, alone or in combination with Teagarden and Walker, at most discloses that a patient may input treatment preferences via a patient input module and a physician may provide a clinical status in response by using a physician input module. (Col. 7, lines 8-15 of Papageorge) In this manner, Papageorge, alone or in combination with Teagarden and Walker, further describes that an algorithm of a system utilizes the information of the patient and the physician and compares this information to a database of the latest medical findings in order to generate a report setting forth treatment options. (Col. 4, lines 15-27, Col. 7, lines 1-24 & Abstract of Papageorge)

In contrast to claim 1, Papageorge, alone or in combination with Teagarden and Walker, does not teach or suggest providing the patient with the response entered by the physician, as would be required by the recitations of claim 1. Instead, Papageorge, alone or in combination with Teagarden and Walker, at most provides the patient with a report of various treatment options generated by an algorithm based on medical findings of a database that are compared with patient and physician responses. (Col. 4, lines 15-27, Col. 7, lines 1-24, Abstract & Claim 1 of Papageorge) However, utilizing an algorithm to generate a report of treatment options based on medical findings in a database and patient and physician responses does not teach or suggest allowing the person to access a secure area and *view the information provided by the professional services provider in response to receipt of the information entered by the person* which is associated with a medical matter of the person, as would be required by the recitations of claim 1.

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To the extent that the Examiner persists in this rejection, Applicant respectfully requests the Examiner to specifically point out exactly where Papageorge, alone or in combination with Teagarden and Walker, discloses that the patient is provided with access to the information provided by the physician about a medical matter of the patient as opposed to treatment options provided by an algorithm.

For at least the foregoing reasons, Applicant submits that the combination of Teagarden, Walker and Papageorge is deficient and does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 3-5.

Since independent claims 7, 15, 21, 29 and 35 contain features that are analogous to, though not necessarily coextensive with, the features recited in independent claim 1, Applicant submits that independent claims 7, 15 and 21 and their respective dependent claims 9-12, 14, 17-19, 23-26 and 28 as well as independent claims 29 and 35 and their respective dependent claims 31-33, 37-40 and 42 are patentable at least for reasons analogous to those submitted for claim 1.

### **III. Rejection of Claims 43-48 Under 35 U.S.C. § 103(a)**

Claims 43-48 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Teagarden, Walker, Papageorge and further in view of Sato et al. (U.S. Patent No. 5,911,687; hereinafter “Sato”).

In contrast to claim 44, Teagarden, Walker, Papageorge and Sato, taken individually or in combination, do not teach or suggest that billing data provided by a healthcare provider to a client device of a patient includes information for an amount of money owed to the healthcare provider for advising the patient about a diagnosis, a treatment recommendation or a combination thereof for a medical condition of the patient.

In rejecting claim 44, the Examiner correctly concedes that Teagarden, Walker, and Papageorge do not teach or suggest all of the above features of claim 44. However, the Examiner relies on column 7, lines 5-15 of Sato to make up for the deficiencies of Teagarden, Walker and Papageorge. Applicant respectfully disagrees and submits that Sato does not make up for what Teagarden, Walker and Papageorge lacks.

In contrast to claim 44, the cited portion and indeed all of Sato, alone or in combination

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with Teagarden, Walker and Papageorge, at most discloses that a doctor side terminal 102 provides accounting information to an accounting terminal 303 which is not maintained by the patient. Rather, Sato, alone or in combination with Teagarden, Walker and Papageorge discloses that the accounting terminal 303 is "*constitut[ed] by the clinic.*" (Col. 6, lines 52-55 of Sato)

Given that Sato, at most discloses that a doctor side terminal 102 provides accounting information to an accounting terminal 303 which is maintained by a clinic, Sato, alone or in combination with Teagarden, Walker, Papageorge, does not teach or suggest that information provided by a *healthcare provider to a client device of a patient* includes billing data for an amount of money owed to the healthcare provider for advising the patient about a medical condition of the patient, as recited by claim 44.

Accordingly, the combination of Teagarden, Walker, Papageorge and Sato is deficient for at least the additional reasons set forth above and Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claim 44.

Since claims 43 and 45-48 contain features that are in some respects analogous to the features recited in claim 44, Applicant submits that claims 43 and 45-48 are patentable at least for reasons analogous to those submitted for claim 44.

#### IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Porter is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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Respectfully submitted,



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